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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,404	08/31/2000	Yoshinori Matsumoto	SONY-U0095	4392
22850	7590	04/07/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			VUONG, BACH Q	
			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 04/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/652,404

**Applicant(s)**

MATSUMOTO, YOSHINORI

**Examiner**

Bach Q Vuong

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

This communication is responsive to a reconsideration request filed on 1/16/2004

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Verboom (US 5,270,991).

Verboom, according to Figs. 3-5, shows an optical disk comprising all features of the claimed invention as interpreted below:

Regarding claim 10, see Figs. 3-5 which show an optical disk having a signal-recording surface that is placed within a focal depth of a light spot applied on the signal-recording surface by an optical head, during focusing control, the disk (see Figs. 4 and 5A-5B) having a servo region (see Servo field 18 in Figs. 5A-5B) on the signal-recording surface; and an evaluation-function recording area provided at a prescribed part of the servo region, for recording evaluation functions that are applied to correct a focus value for use in the focusing control (see column 6, lines 1-34).

Claims 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Okawa et al. (US 5,894,463).

Okawa et al., according to Figs. 2-4 and 19-22, shows an optical disk comprising all features of the claimed invention as interpreted below:

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Regarding claim 10, see Figs. 2-4 and 19-22 which show an optical disk having a signal-recording surface that is placed within a focal depth of a light spot applied on the signal-recording surface by an optical head, during focusing control, the disk (see Figs. 3 and 4) having a servo region (see servo area ARs) on the signal-recording surface; and an evaluation-function recording area provided at a prescribed part of the servo region, for recording evaluation functions that are applied to correct a focus value for use in the focusing control (see section ARfs).

Regarding claim 11, see Figs. 2-4 and 19-22 which show an optical disk wherein data from which the evaluation functions are generated is recorded, in the form of pits (see servo pattern), in the evaluation-function recording area.

***Allowable Subject Matter***

Claims 1-9 are allowed.

***Response To Arguments***

Applicant's arguments with respect to claimed invention have been considered but are moot in view of the new ground(s) of rejection.

***Cited References***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to an optical disk apparatus having optimized focus shift mechanism control.

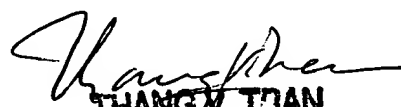
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q Vuong whose telephone number is (703) 305-7355. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BV  
March 31, 2004

  
**THANG V. TRAN**  
**PRIMARY EXAMINER**